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Appl. No.: 10/656,893
Amdt. dated November 13, 2006
Reply to Office Action of July 13, 2006

REMARKS/ARGUMENTS

Applicants respectfully request consideration of the present application in view of the amendments above and the following remarks, which are responsive to the Office Action mailed July 13, 2006. Following such changes, Claims 13, 15-17, and 19-30 remain pending in the application, and Claim 18 has been canceled. Claims 1-11, 13, and 14 were previously canceled.

In the Office Action, Claims 13 and 15-18 were noted as pending in the application. The Examiner rejected Claims 13 and 15-18 under 35 U.S.C. § 103(a). The rejections for each independent claim are addressed separately below.

Rejection of Claims 13 and 15-18 under 35 U.S.C. § 103(a)

On pages 2-4 of the Office Action, the Examiner rejected Claims 13 and 17 under 35 U.S.C. § 103(a) in light of U.S. Patent No. 3,349,534 to Wotherspoon ("*Wotherspoon*") in view of U.S. Patent No. 2,120,742 to Grundy ("*Grundy*"), U.S. Patent No. 5,326,318 to Rotter ("*Rotter*"), and U.S. Patent No. 1,993,086 to Chaffee ("*Chaffee*"). In addition, on pages 4-5 of the Office Action, the Examiner rejected Claim 15 under § 103(a) in light of *Wotherspoon* in view of *Grundy*, *Chaffee*, and U.S. Patent No. 5,743,059 to Fifield ("*Fifield*"). Furthermore, on page 6 of the Office Action, the Examiner rejected Claim 16 under § 103(a) in light of *Wotherspoon* in view *Chaffee* and *Fifield*. Finally, on pages 6-8 of the Office Action, the Examiner rejected Claim 18 under § 103(a) in light of *Wotherspoon*, *Grundy*, *Rotter*, and *Chaffee*.

Applicants have canceled Claim 18. In addition, Applicants have amended Claims 13 and 15-16, and added new independent Claims 19 and 28 and new dependent Claims 20-27 and 29-30.

Applicants respectfully assert that Claims 13, 15-17, and 19-30 are patentable and not obvious in light of *Wotherspoon*, *Grundy*, *Rotter*, *Chaffee*, and *Fifield* because the claimed inventions address a long felt need in the art. In particular, independent Claims 13 addresses the long felt need to provide a tile shape that has a generally "S"-shaped transverse cross section and defines a first breakage channel and a second breakage channel that are configured to facilitate the breakage of the tile shape. Independent Claim 15 addresses the long felt need to provide a

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tile shape that is a generally S-tile shape and defines a separation channel along which the tile shape is broken. Independent Claim 16 addresses the long felt need of providing a tile shape that has a generally S-tile shape and defines a simulation interface channel that is configured to facilitate breakage of the tile shape. Independent Claim 19 addresses the long felt need of providing a tile shape that has a generally "S"-shaped transverse cross section and defines a breakage channel that is configured to facilitate breakage of the second tile shape, and independent Claim 28 addresses the long felt need of providing a tile shape that has a generally "S"-shaped transverse cross section and defines a breakage channel that is configured to facilitate breakage of the second tile shape.

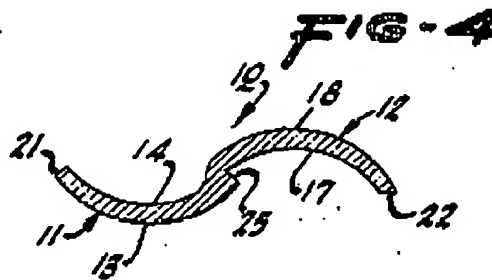
These long felt needs are evidenced in the prior art cited by the Examiner. In particular, *Wotherspoon*, which issued in 1967, discloses a roofing tile having a convex section and a concave section, and the concave section and the convex section overlap each other. *Wotherspoon*, Column 2, lines 5-18 and Figure 4. In addition, *Wotherspoon* further discloses "that lowest course of tiles will usually have the portion of the convex section which extends beyond the lower end of the concave section *cut off* before installation so that the lower ends of the concave and convex section of all the lowest course of tiles will be on a line." *Wotherspoon*, Column 2, lines 61-66 (emphasis added). Furthermore, *Grundy*, which issued in 1938, discloses forming cleavage lines "in the clay prior to baking to facilitate trimming of the slab." *Grundy*, Column 3, lines 21-22. However, despite having knowledge of these references for more than 35 years and despite the need to separate portions of the tiles during installation, those of skill in the art had not combined the teachings of *Wotherspoon* and *Grundy* to provide tile shapes according to each of the claimed inventions. Thus, Applicants respectfully assert that the claimed inventions are not obvious in light of the prior art.

In addition, independent Claims 13 and 16 as amended are also patentable because they recite elements that are not disclosed or suggested in the prior art cited by the Examiner. In particular, each claim recites a second tile shape that defines a necked portion between a cap portion and a pan portion, and the necked portion has a thickness that is substantially equal to or less than a thickness of the cap portion and a thickness of the pan portion immediately adjacent the necked portion. Furthermore, Claim 13 recites that the necked portion defines a breakage

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channel that is configured for facilitating the breakage of the second tile shape between the cap portion and the pan portion, and Claim 16 recites that the necked portion defines a simulation interface channel that is configured for facilitating the breakage of the second tile shape between the cap portion and the pan portion.

Applicants respectfully assert that the necked portion is not disclosed or suggested in the prior art cited by the Examiner. In particular, *Wotherspoon* discloses a roofing tile having a convex section and a concave section that overlap each other to create upper and lower locking shoulders. The lower locking shoulder of an upper-course tile abuts the upper locking shoulder of a lower-course tile "so that the upper-course tile is prevented from sliding down relative to the [lower]-course tile." *Wotherspoon*, Column 3, lines 7-11 and Figure 4. Thus, the overlap of the concave and convex sections results in an increased thickness of the tile along the portion of the tile that is between the concave section and the convex section. Applicants have pasted Figure 4 from *Wotherspoon* below to illustrate the overlap and resulting increased thickness. In addition, *Grundy*, *Chaffee*, and *Rotter* fail to disclose or suggest a tile shape that comprises a necked portion between a cap portion and a pan portion. Thus, because none of the prior art cited by the Examiner discloses or suggests the necked portion, Applicants respectfully request that the rejection of amended Claims 13 and 16 be withdrawn.



Previously presented dependent Claim 17 depends from amended independent Claim 13 and includes all of the limitation of amended Claim 13, which, as discussed above, is not rendered obvious in light of the prior art. Thus, Applicants respectfully assert that the rejection of dependent Claim 17 be withdrawn.

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It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Applicants appreciate the Examiner's careful consideration of this application and would welcome a telephone conference with the Examiner to expedite the processing of the patent application. Applicant's attorney, Meredith Struby, may be reached directly at (404) 881-4626.

Respectfully submitted,

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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office at Fax No. (571) 273-8300 on the date shown below.

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Meredith W. Struby

November 13, 2006
Date